

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

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|----------------------|---|------------|
| In re: |) | |
| FRANCISCO NIEVES & |) | Case No. |
| SHIRLEY NIEVES-SOLIS |) | |
| |) | Chapter 13 |
| Debtor(s) |) | |

CHAPTER 13 PLAN

PAYMENTS. Debtor is to pay to the Chapter 13 Trustee the sum of the following amounts:

1. A total of \$120,450.00 paid from July 28, 2012 through June 28, 2017.
2. \$2007.50 per month for 60 months.
3. First payment will be due on July 28, 2012.

Debtor shall pay to the Trustee, the following: **\$182.50 dollars per month for 60 months.**

(1) Debtor shall send any tax refund received during the plan to the Trustee; however, debtor may retain a portion of a tax refund to pay income taxes owed to any taxing authority for the same period as the refund. Debtor may also retain from such refunds the lesser of the sum of two monthly plan payments or \$600 from such tax refunds, each year, for necessities. (2) Fifty percent of any employee bonus or other distribution paid or payable to the debtor during the term of the plan.

DISBURSEMENTS. Creditors shall be paid in the following order and in the following fashion. Unless stated otherwise, the Chapter 13 Trustee will make the payments to creditors. All disbursements by the Trustee to be made pro-rata by class, except per month disbursements described below:

1. **Trustee and Court Fees.** Pay Trustee a percent of all disbursements as allowed by law and pay filing fees if the Court enters an order providing for filing fees to be paid in the Chapter 13 plan.:

2. Pay sub-paragraphs concurrently:

(A) Continuing Debt Payments (including post-petition mortgage payments on real estate other than Debtor's residence) Maintain payments of the following continuing debt(s) in accordance with terms of the original contract with any arrearages owed at the time of filing to be cured in the paragraph below.

| CREDITOR NAME | MONTHLY PAYMENT |
|---------------|-----------------|
|---------------|-----------------|

Wells Fargo Home Mtg

\$1475 per month for 60 months

3. Secured Claims: On-going Payments continue beyond the term of the Plan, pursuant to the applicable Note. Payments include principal, interents, taxes, and insurance:

CREDITOR NAME

MONTHLY PAYMENT

HSBC
(2008 Yamaha
Motorcycle)

\$190.79 per month for 60 months
(\$9460.00 @5.25%)

Sentry Management HOA

\$11 per month for 60 months
(\$650.00)

4. Secured Claims to be voided:

Fairwinds Credit Union
2nd mortgage

Claim Amount
\$50,898.46

Amt Unsecured
\$50,898.46

5. Unsecured Priority Claims:

CREDITOR NAME

MONTHLY PAYMENT

Internal Revenue Service

\$20 per month for 28 months

6. Unsecured Non-Priority Claims:

Unsecured creditors whose claims have been timely filed and allowed shall receive a pro-rata distribution after payment of the above-stated claims as proposed above
Approximate Percentage: 4%

\$122,287.40 total unsecured debt.

\$87 per month to be paid for 60 months.

7. **Attorney Fees.** Pay Debtor's attorney \$2500.00 in equal monthly payment over 36 months. Any additional fees allowed by the Court shall be paid pursuant to paragraph 6 below.: **\$42.00 per month for 60 months.**

8. All secured creditors shall retain the liens securing their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under section 1328. However, the Debtor will request avoidance of non-purchase money liens secured by consumer goods as well as judicial liens which impair exemptions and said creditors will not retain their liens if the Court enters an order granting the Debtor's request to avoid the liens.

9. Any pledged credit union shares or certificates of deposit held by any bank shall be applied to the amount owed such Claimant.

10. Title to Debtor's property to re-vest in Debtor upon confirmation. Debtor is not to incur further credit or debt without the consent of the Court unless necessary for the protection of life, health or property and consent cannot be obtained readily.

11. Any post-petition claims filed and allowed under 11 U.S.C. section 1305 may be paid through the plan.

CREDITOR'S NOTICE: YOU MUST FILE A CLAIM IN ORDER TO PARTICIPATE IN DISBURSEMENTS PROPOSED HEREIN. CLAIMS SHALL SHARE ONLY IN FUNDS DISBURSED AFTER THE CHAPTER 13 TRUSTEE RECEIVES THE CLAIM. IN COMPLIANCE WITH ORDER OF THE COURT, ABSENT A SPECIFIC ORDER OF THE COURT TO THE CONTRARY, THE CHAPTER 13 TRUSTEE,

DATE: 7/1/2012

DEBTOR: /s/ Francisco Nieves

DATE: 7/1/2012

DEBTOR: /s/ Shirley Nieves